

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------|---|----------------------|
| BILLY TYLER, |) | |
| |) | |
| Petitioner, |) | 4:04cv3391 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| ROBERT HOUSTON ¹ , |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on filing no. 27, the petitioner's Motion for Summary Judgment. The petitioner has filed no evidence in support of the motion, and the court's records indicate that issues persist which preclude summary judgment at this time. For example, it is not yet clear whether the petitioner sufficiently exhausted his state-court remedies, whether the Douglas County Director of Corrections is a more appropriate respondent, or whether the petitioner will ever be subject to future custody under the state-court judgment being contested. Filing no. 27 is denied.

Also before the court is filing no. 29, the petitioner's Motion to compel copies of the documents listed in the respondent's Designation of Records (filing no. 26) filed in support of the respondent's Answer to the habeas corpus petition. At this time, the court has staff available to copy records, although that may not always be the case. Filing no. 29 is granted insofar as the Clerk of Court shall assign the task of copying all of filing no. 26 (127 pages) in this case to the Operations Assistant in Omaha. The documents shall be mailed to the petitioner by June 15, 2005.

¹The court, sua sponte, substitutes Robert Houston as the plaintiff's custodian. The Clerk of Court shall modify the court's records accordingly.

THEREFORE, IT IS ORDERED:

1. That filing no. 27, the petitioner's Motion for Summary Judgment, is denied;
and

2. That filing no. 29, the petitioner's Motion to Compel, is granted as follows:
The Clerk's Omaha Operations Assistant shall copy all of filing no. 26 (127 pages) and mail
the documents to the petitioner by June 15, 2005.

DATED this 26th day of May, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge